THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2415 of 2007

13.2.2007

Between:

Bandrevu alias G.Gopal, S/o.Gangulappa

... Petitioner

AND

The Sub-Collector, Mandapalli, Chittoor District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2415 of 2007

ORDER:

The petitioner is an Ex-Serviceman as alleged in the affidavit accompanying the writ petition. He was statedly granted Eksal lease by the Tahsildar, Madanapalli, by proceedings dated 23.7.1975 in respect of land admeasuring Acs.5.10 in survey No.546/2B of B.K.Palli village of Madanapalli Mandal in Chittoor District. Later he was also issued DKT patta in 1982, and some time thereafter Pattadar Pass Book and Title Deed (PPB/TD) were also issued to him. In 2004, he approached the Panchayat Secretary of the village for obtaining certified copies of 10(1) Adangal, he was informed that as it is a Government land, 10(1) Adangal cannot be issued and that the land was resumed by the Mandal Revenue Officer (MRO), Madanapalli – second respondent herein. The petitioner therefore preferred an appeal before the first respondent. He also sought for stay of the orders of resumption. The first respondent by proceedings dated 22.9.2004 passed orders of stay on orders of resumption and the second respondent was directed to send the report. The appeal is still pending. The petitioner alleges that on 25.1.2007, the third respondent came along with Mandal Revenue Inspector/Surveyor, Mandanapalli, for formation of roads and for making the land into plots at the behest of the second respondent. The petitioner then issued a legal notice informing about the pendency of appeal, in vain. Therefore, the present writ petition is filed seeking a direction to respondents 2 and 3 not to interfere till the disposal of the appeal by the first respondent.

The matter was initially listed on 09.2.2007. Learned

Assistant Government Pleader for Revenue (Assignment) requested time for getting instructions. Today, after getting instructions, learned Assistant Government Pleader submits that the appeal filed by the petitioner before the first respondent stands posted to 17.2.2007 and that the respondents 2 and 3 never made any attempt to dispossess the petitioner as alleged.

A perusal of the proceedings No.Roc.B1/3949/2004, dated 22.9.2004, would show that while taking the appeal filed by the petitioner on file, the Sub-Collector passed orders of stay of resumption till the matter is clarified in the appeal. Therefore, no definite finding can be recorded in favour of the petitioner and against respondents 2 and 3 especially when the matter is coming up before the first respondent on 17.2.2007. The basis for the writ petition is a mere apprehension and it is needless to mention that the first respondent cannot ignore the interim orders passed by the first respondent and give any direction to any officer much less to the Works Inspector of the A.P. Housing Board to lay the road or prepare plots. The allegation made by the petitioner is imaginery and does not require serious consideration. It would be in the interest of the petitioner to direct the first respondent to dispose of the appeal on 17.2.2007 without fail, giving an opportunity to the petitioner as required under law.

The writ petition, with the above direction to the first respondent, is accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

February 13, 2007.

NOTE:

Dispatch order copy by
14.2.2007.
(By order)
YS